

Aug 31 05 10:09a

ROBERTS & ROBERTS  
RECEIVED  
CENTRAL FAX CENTER

(609)921-9535

p. 1

AUG 31 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:  
Peter B. Rim, et al

Docket: H0006488-4820

Serial Number: 10/718,467

Group Art Unit: 1771

Filed: November 20, 2003

Examiner: Andrew T. Piziali

For: PROTECTIVE FABRICS

**FAX COVER SHEET**

TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

FAX NO.: (571) 273-8300

FROM: Richard S. Roberts  
Reg. No. 27941  
P.O. Box 484  
Princeton, New Jersey 08542  
(609) 921-3500

KINDLY DIRECT THIS COMMUNICATION TO:

EXAMINER : Andrew T. Piziali  
GROUP : 1771

NO. OF PAGES SENT INCLUDING THIS COVER SHEET: 3

If all pages are not received, please call (609) 921-3500.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of:  
Peter B. Rim, et al

Docket: H0006488-4820

Serial Number: 10/718,467

Group Art Unit: 1771

Filed: November 20, 2003

Examiner: Andrew T. Piziali

For: PROTECTIVE FABRICS

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner For Patents  
P.O.Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action mailed August 22, 2005 applicant makes the following election in response to the election of species requirement.

**REMARKS**

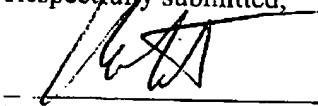
The Examiner has subjected this application to an election of species requirement under 35 U.S.C. 121. The Examiner has formed four species, Species 1 drawn to a composite textile article or method wherein each sheet of an outer textile fabric is liquid impermeable; Species 2 drawn to a composite textile article or method wherein each sheet of an outer textile fabric is liquid permeable; Species 3 drawn to a composite textile article or method wherein the front sheet of outer textile fabric is liquid impermeable and the rear sheet is liquid permable; and Species 4 drawn to a composite textile article or method wherein the front sheet of outer textile fabric is liquid permeable and the rear sheet is liquid impermeable. The Examiner has asserted that these species represent

distinct inventions and may properly be subject to election. Applicants hereby provisionally elect Species 1 for examination. However, the election of species requirement is traversed. It should be noted, the Commissioner may statutorily require the election of species "If two or more independent and distinct inventions are claimed in one application." In the instant case the Examiner is alleging that the inventions of groups one and two are distinct, although absolutely no showing of such distinctness has been made.

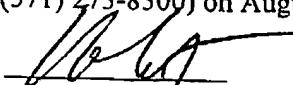
The Examiner's attention is directed to 37 C.F.R. 1.141(b) where allegedly different classes of inventions may be included and examined in a single application provided they are so linked as to form a single inventive concept. It is submitted that the examiner is drawing too fine a line of distinction between the allegedly different species. For these reasons it is respectfully urged that the election of species requirement be rescinded.

It is believed that the following claims read on the elected species: 1-6, 8-25; 28-34; of which claims 1-5, 9, 11-25 and 31-34 appear to be generic and claims 8, 10, 28 and 30 specifically require each sheet of an outer textile fabric to be liquid impermeable.

Respectfully submitted,

  
Richard S. Roberts  
Reg. No. 27,941  
P.O. Box 484  
Princeton, New Jersey 08542  
(609) 921-3500  
Date: August 31, 2005

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (FAX No. (571) 273-8300) on August 31, 2005

  
Richard S. Roberts  
Reg. No. 27,941